



# MINUTES

## HOUSE LAW ENFORCEMENT AND CRIMINAL JUSTICE

### STANDING COMMITTEE

LEGISLATURE

Friday, March 8, 2019 | 8:00 a.m. | 450 State Capitol

**Members Present:**

Rep. Lee B. Perry, Chair  
Rep. Kim F. Coleman, Vice Chair  
Rep. Sandra Hollins  
Rep. Kelly B. Miles  
Rep. Val K. Potter  
Rep. Paul Ray  
Rep. Angela Romero  
Rep. Casey Snider

Rep. Andrew Stoddard  
Rep. Mark A. Strong

**Members Absent:**

Rep. Mike Schultz

**Staff Present:**

Mr. John Feinauer, Policy Analyst  
Ms. An Bradshaw, Committee Secretary

Note: A copy of related materials and an audio recording of the meeting can be found at [www.le.utah.gov](http://www.le.utah.gov).

Chair Coleman called the meeting to order at 8:07 a.m.

**1 . H.B. 444 At-risk Government Employee Information Protection Amendments (Perry, L.)**

Rep. Perry presented the bill to the committee.

Chief Tom Ross, Bountiful City Police and speaking on behalf of Utah Chiefs of Police Association and Utah Sheriffs' Association, spoke in support of the bill.

Ms. Darcy Goddard, Salt Lake County Deputy District Attorney and Chief Policy Adviser for the Civil Division, spoke in support of the bill.

**MOTION:** Rep. Miles moved to amend H.B. 444 with Amendment #1. The motion passed with a vote of 10 - 0 - 1.

Amendment 1  
H.B. 444

1. Page 3, Lines 59 through 60:

59 (i) a law enforcement officer requests to be classified as private under { [Title 63G](#),  
60 [Chapter 2, Government Records Access and Management Act](#) } [Subsection 63G-2-302\(1\)\(h\)](#) ; and

Yeas-10

Rep. K. Coleman  
Rep. S. Hollins  
Rep. K. Miles  
Rep. L. Perry  
Rep. V. Potter  
Rep. P. Ray  
Rep. A. Romero  
Rep. C. Snider  
Rep. A. Stoddard  
Rep. M. Strong

Nays-0

Absent-1

Rep. M. Schultz

**MOTION:** Rep. Miles moved to pass H.B. 444 out favorably. The motion passed with a vote of 10 - 0 - 1.

Yeas-10

Rep. K. Coleman  
Rep. S. Hollins  
Rep. K. Miles  
Rep. L. Perry  
Rep. V. Potter  
Rep. P. Ray  
Rep. A. Romero  
Rep. C. Snider  
Rep. A. Stoddard  
Rep. M. Strong

Nays-0

Absent-1

Rep. M. Schultz

**2 . H.B. 457 Background Check Amendments (*Perry, L.*)**

Rep. Perry presented the bill to the committee with the assistance of Mr. Greg Willmore, Director of the Bureau of Criminal Identification.

**MOTION:** Rep. Potter moved to pass H.B. 457 out favorably. The motion passed with a vote of 9 - 0 - 2.

Yeas-9

Rep. K. Coleman  
Rep. S. Hollins  
Rep. K. Miles  
Rep. L. Perry  
Rep. V. Potter  
Rep. P. Ray  
Rep. C. Snider  
Rep. A. Stoddard  
Rep. M. Strong

Nays-0

Absent-2

Rep. A. Romero  
Rep. M. Schultz

**MOTION:** Rep. Stoddard moved to approve the minutes of the March 6, 2019 meeting. The motion passed with a vote of 9 - 0 - 2.

Yeas-9

Rep. K. Coleman  
Rep. S. Hollins  
Rep. K. Miles  
Rep. L. Perry  
Rep. V. Potter  
Rep. P. Ray  
Rep. C. Snider  
Rep. A. Stoddard  
Rep. M. Strong

Nays-0

Absent-2

Rep. A. Romero  
Rep. M. Schultz

Rep. Perry assumed the chair.

**3 . 1st Sub. S.B. 185 Booking Photographs Amendments (*Thatcher, D.*)**

Sen. Daniel Thatcher presented the bill to the committee.

**MOTION:** Rep. Ray moved to pass 1st Substitute S.B. 185 out favorably. The motion passed with a vote of 9 - 0 - 2.

Yeas-9

Rep. K. Coleman  
Rep. S. Hollins  
Rep. K. Miles  
Rep. L. Perry  
Rep. V. Potter  
Rep. P. Ray  
Rep. C. Snider  
Rep. A. Stoddard  
Rep. M. Strong

Nays-0

Absent-2

Rep. A. Romero  
Rep. M. Schultz

**4 . 4th Sub. S.B. 103 Victim Targeting Penalty Enhancements (*Thatcher, D.*)**

Sen. Daniel Thatcher presented the bill to the committee with the assistance of Mr. Marshall Thompson, Director of Utah Sentencing Commission. A handout was provided.

Ms. Dani Palmer, Utah Eagle Forum, spoke in opposition to the bill.

Dr. Jay Jacobson, immediate past president of the United Jewish Federation of Utah, spoke in support of the bill and provided three handouts.

Mr. Sim Gill, Salt Lake County District Attorney, spoke in support of the bill.

Ms. Debra Oaks Coe, representing Mormon Women for Ethical Government and Utah Suicide Prevention Coalition, spoke in support of the bill.

**MOTION:** Rep. Ray moved to pass 4th Substitute S.B. 103 out favorably. The motion passed with a vote of 8 - 2 - 1.

Yeas-8

Rep. S. Hollins  
Rep. K. Miles  
Rep. L. Perry  
Rep. V. Potter  
Rep. P. Ray  
Rep. A. Romero  
Rep. C. Snider  
Rep. A. Stoddard

Nays-2

Rep. K. Coleman  
Rep. M. Strong

Absent-1

Rep. M. Schultz

The motion passed with a vote of 8 - 2 - 1.

Yeas-8

Rep. S. Hollins  
Rep. K. Miles  
Rep. L. Perry  
Rep. V. Potter  
Rep. P. Ray  
Rep. A. Romero  
Rep. C. Snider  
Rep. A. Stoddard

Nays-2

Rep. K. Coleman  
Rep. M. Strong

Absent-1

Rep. M. Schultz

**5 . 2nd Sub. S.J.R. 8 Joint Resolution Amending Rules of Evidence - Victim Selection (*Thatcher, D.*)**

Sen. Daniel Thatcher presented the resolution to the committee.

**MOTION:** Rep. Coleman moved to pass 2nd Substitute S.J.R. 8 out favorably. The motion passed with a vote of 10 - 0 - 1.

Yeas-10

Rep. K. Coleman  
Rep. S. Hollins  
Rep. K. Miles  
Rep. L. Perry  
Rep. V. Potter  
Rep. P. Ray  
Rep. A. Romero  
Rep. C. Snider  
Rep. A. Stoddard  
Rep. M. Strong

Nays-0

Absent-1

Rep. M. Schultz

Rep. Coleman assumed the chair.

**6 . H.B. 478 Criminal Information Amendments (Ray, P.)**

Rep. Ray presented the bill to the committee.

**MOTION:** Rep. Romero moved to amend H.B. 478 with Amendment #1. The motion passed with a vote of 9 - 0 - 2.

Amendment 1  
H.B. 478

1. Page 1, Lines 22 through 23:

22 Other Special Clauses:

23 { ~~None~~ } This bill provides a special effective date.

2. Page 3, Lines 82 through 84:

82 (6) The law enforcement agency identified by the magistrate under Subsection (4)(a)  
83 shall report any changes to the status of a warrant issued pursuant to this section to the Bureau  
84 of Criminal Identification.

Section 3. Effective date.

This bill takes effect on January 1, 2020.

Yeas-9

Rep. K. Coleman  
Rep. S. Hollins  
Rep. K. Miles  
Rep. L. Perry  
Rep. V. Potter  
Rep. P. Ray  
Rep. A. Romero  
Rep. C. Snider  
Rep. M. Strong

Nays-0

Absent-2

Rep. M. Schultz  
Rep. A. Stoddard

**MOTION:** Rep. Romero moved to pass H.B. 478 out favorably as amended. The motion passed with a vote of 9 - 0 - 2.

Yeas-9

Rep. K. Coleman  
Rep. S. Hollins  
Rep. K. Miles  
Rep. L. Perry  
Rep. V. Potter  
Rep. P. Ray  
Rep. A. Romero  
Rep. C. Snider  
Rep. M. Strong

Nays-0

Absent-2

Rep. M. Schultz  
Rep. A. Stoddard

**7 . H.B. 331 Prohibition on Firearm Modification Devices (*Arent, P.*)**

Rep. Arent presented the bill to the committee. Ms. Esther Chelsea-McCarty, attorney with the Office of Legislative Research and General Counsel, answered legal questions from the committee.

Mr. Clark Aposhian, Utah Shooting Sports Council, spoke in opposition to the bill.

Ms. Marsha Olsen, Gun Violence Prevention Center, spoke in support of the bill.

Ms. Ainsley Mensch, March for Our Lives Utah, spoke in support of the bill.

**MOTION:** Rep. Stoddard moved to pass H.B. 331 out favorably.

**SUBSTITUTE MOTION:** Rep. Snider moved to hold H.B. 331. The substitute motion passed with a vote of 5 - 4 - 2.

Yeas-5

Rep. K. Coleman  
Rep. V. Potter  
Rep. P. Ray  
Rep. C. Snider  
Rep. M. Strong

Nays-4

Rep. S. Hollins  
Rep. K. Miles  
Rep. A. Romero  
Rep. A. Stoddard

Absent-2

Rep. L. Perry  
Rep. M. Schultz

**8 . H.B. 438 Law Enforcement Use of Biometric Information (*Robertson, A.*)**

Rep. Robertson presented the bill to the committee.

Mr. John Nielsen, Assistant Solicitor General in the Attorney General's Office and representing Statewide Association of Prosecutors, Utah Sheriffs' Association, and Utah Chiefs of Police Association, spoke in opposition to the bill.

Mr. Mike Melendez, Liberatus Institute, spoke in support of the bill.

Mr. Jeff Buhman, Statewide Association of Prosecutors, spoke in opposition to the bill.

Mr. Karl Spitzmacher, citizen, spoke to the bill.

**MOTION:** Rep. Strong moved to hold H.B. 438.

**SUBSTITUTE MOTION:** Rep. Miles moved to return H.B. 438 to the Rules Committee The substitute motion passed with a vote of 8 - 0 - 3.



Yeas-8

Rep. K. Coleman  
Rep. S. Hollins  
Rep. K. Miles  
Rep. P. Ray  
Rep. A. Romero  
Rep. C. Snider  
Rep. A. Stoddard  
Rep. M. Strong

Nays-0

Absent-3

Rep. L. Perry  
Rep. V. Potter  
Rep. M. Schultz

**MOTION:** Rep. Miles moved to adjourn. The motion passed with a vote of 8 - 0 - 3.

Yeas-8

Rep. K. Coleman  
Rep. S. Hollins  
Rep. K. Miles  
Rep. P. Ray  
Rep. A. Romero  
Rep. C. Snider  
Rep. A. Stoddard  
Rep. M. Strong

Nays-0

Absent-3

Rep. L. Perry  
Rep. V. Potter  
Rep. M. Schultz

Chair Coleman adjourned the meeting at 10:27 a.m.